S.B.Cr.Misc. Bail App. No.4501/2007

(Balvinder Kumar vs. State of Rajasthan)

Date of order : September 26, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.M.K.Garg, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the challan papers.

It is contended by the learned counsel for the petitioner that the deceased was mentally disturbed and she was treated by various persons including Baba at Dera, whose statement is on record. It is further contended that it was the deceased herself, who poured the kerosene on her and lit the fire; she was being rescued by neighbourers viz. Govind Prasad, Shila Devi, Satpal etc. but she categorically stated that she herself poured the kerosene on her and lit the fire as she wanted to die herself and, therefore, in burning condition, she ran away and ultimately, she fell down on the road and thereafter, she was brought to the house of the petitioner by the neighbourers. It is further contended that the allegation against the present petitioner and other persons named in the FIR is identical and

police did not file challan the persons named in the FIR except the present petitioner.

Having regard to the facts and circumstances of the case and and keeping in view the statements of the independent witnesses recorded by the police under section 161 Cr.P.C., without commenting on the merit of the case, which may prejudice the case of either party at the trial, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Balvinder Kumar s/o Jagtar Singh be released on bail in FIR No.89/2007, P.S. Sri Karanpur, Distt. Sri Ganganagar provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-